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Order  
(11-18-23)  
has

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

In re JEFFREY M. GARIBALDI et al. )  
 )  
Application No. 09/292,096 ) Appeal No. 2003-1411  
 )  
Filed: January 8, 2004 )

An oral hearing before a merits panel of the Board of Patent Appeals and Interferences has been set for December 10, 2003. The notice setting the hearing was mailed to counsel on September 29, 2003 (Paper No. 21). The date counsel received the notice is not apparent from the record. On November 12, 2003, a facsimile letter was received (Paper No. 22) wherein counsel requested that the oral hearing be rescheduled. The request has been granted.

1. Within days after filing on October 19, 2003 the Hearing Attendance Confirmation for this hearing, [counsel] was notified of a speaking engagement scheduled for the same day in St. Louis. [Counsel] had previously agreed to speak at this engagement prior to the setting of the date. The seminar at which [counsel] will be speaking lasts all day and is scheduled through the International Trademark Association and therefore

cannot be rescheduled.

2. [Counsel] is the only attorney who has worked on the instant application and therefore has the best knowledge of the facts of the case. He is also one of only three attorneys asked to speak at the conflicting engagement.

3. Since the speaking engagement lasts all day, [counsel] cannot be available to conduct the hearing by telephone. Further, the applicants want a face-to-face hearing on the matter.

In view of the aforementioned circumstances, Appellant respectfully requests that the hearing date be rescheduled from December 10, 2003.

For the reasons given above, it is

Ordered that the request to reschedule the hearing to a date after December 10, 2003, is granted, and that a new date for the oral hearing will be sent to counsel.

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